

To: McClintock, Katie[McClintock.Katie@epa.gov]
From: Kaetzel, Rhonda
Sent: Wed 2/17/2016 7:30:51 AM
Subject: RE: TRI Reporting Thresholds

See questions below...

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From: McClintock, Katie
Sent: Tuesday, February 16, 2016 3:14 PM
To: Kaetzel, Rhonda <Kaetzel.Rhonda@epa.gov>
Subject: FW: TRI Reporting Thresholds

TRI program information is below – I think this might be more specific than you wanted, but people don't report if they don't meet this criteria (or don't think they met it).

As it relates to the regulations, here is how the system works:

EPA does not have national ambient air quality standards for toxics. We publish rules and people have to comply with that rule if they are subject. If sources have over 10 tpy of 1 HAP **/RSK/** so these metals are not on EPA's HAPs list, so does this not apply because they aren't HAP or because they don't meet the threshold? or 25 tons of total HAPS then they have to get additional permitting (Title V) but would still not have applicable requirements unless a rule applied to them. The CAA 303 authority (and other authorities under other programs) is the gap that exists if there is a source that is causing an imminent and substantial endangerment regardless of the existing rules.

Here are the rules that might apply to glass, FYI:

Part 61 subpart N *[RSK]* Is this of Title 5 or the 303 authority? Same for the next question part... – covers only arsenic emission and no standard if less than 2.5 tons/yr for older units and 0.44 tpy for newer per furnace. There is no control requirement if you are below and Bullseye was below 2.5 for ALL furnaces in usage. I do think there units probably should be subject to the lower limit but haven't gotten that far. Arsenic is something that doesn't need to be used if you reformulate and Uroboros was already not using. I'm guessing we'll find a mix at the other facilities but I don't think compliance with this limit will be difficult.

Part 63 Subpart SSSSSS – Is an area source rule (no emission threshold) that covers all metals from glass manufacturing but only covers “continuous operation.” To my knowledge no furnaces are subject but because of the way the system works I think companies either weren't known to regulators or regulators were convinced they weren't continuous. We will need to take a much harder look at this.

Ex. 5 - Deliberative Process

I am getting a lot more questions again about how big of an issue the levels measured are. I know we talked earlier about this, but is it fair to say that if the values monitoring in October ARE representative of all operations that this would be an imminent and substantial endangerment or do you have different words for things? *[RSK]* It really depends on who you are talking about... within a half mile of a facility? Residents who live there? There is a theoretical increased risk of cancer... is it so great we can measure it with an epidemiological study? I don't know. I will ask about this..

katie

From: Pope, Anne

Sent: Tuesday, February 16, 2016 11:23 AM

To: Barnett, Keith <Barnett.Keith@epa.gov>; Benedict, Kristen <Benedict.Kristen@epa.gov>; Fairchild, Susan <Fairchild.Susan@epa.gov>; Throwe, Scott <Throwe.Scott@epa.gov>; Strum, Madeleine <Strum.Madeleine@epa.gov>; Weinstock, Lewis <Weinstock.Lewis@epa.gov>; Wayland, Richard <Wayland.Richard@epa.gov>; Sasser, Erika <Sasser.Erika@epa.gov>; Rimer, Kelly <Rimer.Kelly@epa.gov>; Froikin, Sara <Froikin.Sara@epa.gov>; McClintock, Katie <McClintock.Katie@epa.gov>

Cc: Lamason, Bill <Lamason.Bill@epa.gov>

Subject: TRI Reporting Thresholds

Keith,

Below are TRI reporting thresholds.

A facility must report to TRI if the following criteria are met.

- ☐ ☐ ☐ ☐ ☐ The facility has NAICS Codes cited in the rule. This basically covers the following categories with some exceptions: mining (212*), utilities (221*), manufacturing (31* - 33*), miscellaneous manufacturing (1119*, 1131*, 2111*, 4883*, 5417*, and 8114*), merchants wholesalers of durable goods (424*), wholesale electronic markets and agents (425*), Publishing (511*, 512*, and 519*), Hazardous Waste Treatment (562*), and Federal facilities.

- ☐ ☐ ☐ ☐ ☐ The facility must have 10 or more full-time employees equivalents (a total of 20,000 hours or more).

- ☐ ☐ ☐ ☐ ☐ The facility manufactures (defined to include importing), processes, or otherwise uses any listed chemical in quantities greater than thresholds during a calendar year.

- For non-PBT chemicals: 25,000 lbs or more of listed chemical that is manufactured or processed or 10,000 lbs or more of a listed chemical that is used.

- For PBT chemicals: There are lesser quantity thresholds for PBTs. If a facility manufactures, processes or otherwise uses a chemical in excess of a single threshold, the facility is subject to reporting. I have listed a subset of the pollutant thresholds for PBTs. I did not include CAA listed pesticides.

- Dioxins/Furans 0.1 gram
- Lead and Compounds 100 pounds
- Mercury and Compounds 10 pounds
- PCBs 10 pounds
- POM compounds 100 lbs

Thanks

Anne